

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,
Plaintiff,

v.

Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al
Defendants.

**ASSENTED TO SECOND MOTION TO EXTEND TIME TO
FILE OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND CERTIFICATE UNDER L.R. 7.1**

The Plaintiff, Thomas M. Kelley, respectfully moves this Court to enlarge the time to file his opposition to the Defendants' Motion for Summary Judgment. The Plaintiff requests that this Court allows him until September 14, 2007, to file said opposition to the Defendants' Motion for Summary Judgment.

As grounds for his motion, the Plaintiff states as follows:

1. The Plaintiff needs the Court to approve the Stipulation and Proposed Order filed by the Attorney General's Office to receive the Affidavit from the Inspector General's Office, which is needed for preparation of the Plaintiff's Opposition to Defendant's Motion for Summary Judgment. In addition, the Defendants have filed an opposition to said Stipulation and Proposed Order.
2. Plaintiff's Counsel and Co-Counsel need additional time in order to meet and to continue drafting their opposition to said Motion for Summary Judgment and have not been able to do so as a result of August vacation schedules of office staff, and Attorney Armstrong. Attorney Gallitano was representing a client in a criminal proceeding involving four separate jurisdictions, which took most of the week of August 20, 2007. Further, additional filings in MCAD cases requiring responses have been received resulting in further time constraints on Attorney Gallitano's schedule.

3. Neither the parties nor the Court will suffer any prejudice by this brief extension of time for the Plaintiff to file his opposition. The trial in this matter is scheduled for December 3, 2007.

4. On August 27, 2007, Attorney Joseph Gallitano telephoned counsel for the Defendants, Attorney Jeremy Silverfine, requesting his assent to this Motion. Attorney Silverfine has assented to this Motion.

For the foregoing reasons the Plaintiff respectfully requests that the Court allow this Motion to enlarge the time to respond to the Defendants' Motion for Summary Judgment up to and including September 14, 2007.

Respectfully submitted,

Thomas M. Kelley, Plaintiff,
by his attorneys,

/s/ Joseph R. Gallitano
Joseph R. Gallitano, Esq.
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/s/ Richard D. Armstrong
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Dated: August 27, 2007

Assented to:

/s/ Jeremy Silverfine
Jeremy Silverfine, Esq.
BRODY, HARDOON, PERKINS & KESTEN, LLP
One Exeter Plaza, 12th Floor
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CERTIFICATION UNDER L. R. 7.1

I, Joseph R. Gallitano, Attorney for the Plaintiff, do hereby state that I spoke with Assistant Jeremy Silvervine and he has assented to this Second Motion for Extension of Time.

/s/ Joseph R. Gallitano
Joseph R. Gallitano, Esq.